

REMARKS

This Amendment is being submitted in the above-identified request for continued examination. In this regard, this request is submitted in response to the final Office Action dated November 5, 2002. In view of an Advisory Action issued thereafter, the sole issue is the rejection of the claims under 35 U.S.C. § 102 in view of U.S. Patent No. 5,849,335 (*Ballevre*). Pursuant to this Amendment, independent Claims 1-3 have been amended. Support for the Amendment can be found *inter alia*, on page 4, lines 8-11.

Applicants respectfully submit that in view of the Amendment that the anticipation rejection has been overcome. In this regard, all of the claims are limited to a protein source that either comprises a whey protein or a specific protein mixture which simulates the amino acid profile of whey protein.

In contrast, *Ballevre* requires carob protein. Thus, *Ballevre* does not meet the claim limitations. Therefore, *Ballevre* does not anticipate any of the claims of the patent application. Nor would *Ballevre* render obvious any of the claims as *Ballevre* requires carob protein.

Therefore, Applicants respectfully request that the above-identified patent application be passed to allowance.

Respectfully submitted,

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